IN THE HIGH COURT OF BOMBAY AT GOA

APPEAL FROM ORDER NO. 26 OF 2007

MR. CRESY FERNANDES ... Appellant
Versus
M/S CINE AAISHA AND 2 ORS ... Respondents

Mr. E. Dias, Advocate for the appellant.
Mr. G.K. Sardessai, with Mr. V. Palekar, Advocates for the respondents.

Coram:- R. S. MOHITE, J.

Date:- 20th September, 2007

P.C.

This appeal filed by the original plaintiff impugns an order dated 7th February, 2007 passed by the Civil Judge, S. D.,Ponda refusing temporary injunction. Plaintiff filed the suit for recovery of amount of Rs.6,49,817/- which according to him was due from the employer. It is admitted position that the employee has an award in his favour. The said award has been passed by the Industrial Tribunal Goa on 8.1.1998. Under the award, present respondents were directed to reinstate the appellant with full back wages and other consequential benefits. It is not disputed that back wages up to 30.11.1999 came to be paid to the workman. He was also entitled to consequential benefits under the award and the suit is filed for recovery of amount which according to the appellant is balance back wages and the value of such consequential benefits. In my view, the trial Court is right in saying that there is a special efficacious remedy provided U/s.33(c)(2). It also appears that the workman preferred application to the Government of Goa and the Government made a reference U/s.36(A). Such reference made is also pending. It appears that as far as question of jurisdiction is concerned, if prima facie, no final view is taken in the impugned judgment and order, in my view, there is no error in the impugned judgment and order. The workman will be at liberty to

prefer an application U/s.33(c)(2) under Industrial Disputes Act, 1947. He will also have liberty to pursue all other remedies available. Appeal is therefore, dismissed.

R. S. MOHITE, J.

SMA